

Origin: E&E Website
Date: 12/19/2004
First Name: Brad
Last Name: Schauf
Address: 10885 Canarywood Court
City: San Diego
State: CA
Zip Code: 92131
Phone No.: 858-653-4648
Email Address: brad@theschaufs.com
Topic: Other/General Comment
Comments: We pay way too much for power in California. We need to support any and all energy projects.

G227-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website
Date: 12/16/2004
First Name: Gage
Last Name: Schlice
Address: 28956 Bristol Road
City: Temecula
State: CA
Zip Code: 92591
Topic: Biological Resources - Marine

Comments: Southern California's coastline is vibrant and full of life. A lot of it has been set aside to protect the marine wildlife. I want to thank the BHP officials for respecting our environment and choosing to put the Cabrillo Port miles away from the protected marine sanctuaries along our coast.

In other parts of the world, LNG facilities can have significant impacts on the coastline because, being so cold, they cool the water around them. But this project is different. BHP has chosen to minimize the amount of seawater they use and re-use, which will, in turn, minimize impacts their day-to-day operations have on the marine wildlife around them. That's fantastic!

Thanks for the hard work on our behalf

G053-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

309405

December 9, 2004

Mr. Cy Oggins
 California State Lands Commission
 100 Howe Avenue, Suite 100-South
 Sacramento, CA 95825

USCG-2004-16877-734

Dear Sir:

My name is Peter, I live near the beach, and I enjoy it and want it to remain the way it is. That is why I am here tonight. I also realize that I had to put gas in my car to get here, and I most likely traveled a route that took me over some buried gas pipelines.

It is this reality that also makes me realize that we need to consider all the alternatives and all the options when looking at proposals like the one being discussed here tonight.

I don't know as much as I should about it, but I do know that we need to not only encourage ways for us to be less dependent on oil from foreign sources, and less vulnerable to the whims of a group of countries that see the U.S. Not as an ally but as a consuming machine that takes over 40% of the world's natural resources while we are less than 10 % of the world's population.

I also want to encourage you to focus on how such a project can be beneficial to our communities other than the existing product. Perhaps as part of this evaluation process you can encourage BHP and other companies that have similar projects to commit to educating our young people on alternatives to wasteful energy use.

It is unfortunate that we as a state and country are required to look to other countries for our energy resources, but if we must, we should be looking at clean burning fuels like LNG as well as other sources such as solar, hydrogen fuel and others that are yet to be discovered.

Respectfully,

Peter Schneider

Peter Schneider DVM
 701 Via de la Paz
 Pacific Palisades, Calif. 90272

G512-1

Sections 3.3.1 and 3.3.2 address conservation and renewable energy sources, within the context of the California Energy Commission's 2005 Integrated Energy Report and other State and Federal energy reports, as alternatives to replace additional supplies of natural gas.

G512-1

G513-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

As a small business owner in Ventura County, I depend on a stable, clean and reliable energy source to operate my business. From lighting the office to heating my meals to enabling me to work via computer and fax, I rely on all forms of energy.

The Cabrillo Port project is a common sense approach to address local needs and California's demand while ensuring minimal impact on our environment, coast, land and sea. As a lifelong resident of Ventura County, I would be against anything that inhibits the ocean view and the islands or hinders the mammals of the sea. The opportunity to bring gas safely to the shoreline through Cabrillo Port has my support.

I further support Cabrillo Port because it will infuse money and services into our local economy directly and indirectly through jobs, products and services. This project will allow continued diversity in our economy, something which we can all benefit from.

I urge our community to read the environmental impact report and keep an open mind and focus on the real benefits of the project. It is where we need to think past a "me" mentality, and look to the future of America and provide necessary and stable energy sources for the generations to come.

Thank you for allowing small business owners like me to express my support for Cabrillo Port.

Sincerely,

Sylvia A. Schnopp
2509 Seafoam Court
Port Hueneme, CA 93041

Origin: E&E Website
Date: 12/19/2004
First Name: Lynette
Last Name: Schroedle
Address: 1421 Dorchester Dr.
City: Roseville
State: CA
Zip Code: 95678
Topic: Water Quality and Sediments
Comments: The organizations that prepared the EIR/EIS document presented necessary midigation measures. BHPB has chosen to use proven modern technologies to minimize the impact on marine environment. While they are required to do so, I believe they are taking the extra measures to ensure the midigation is done in the best possible way. I support companies that understand potential danger to the evironment on such projects and respond. California cannot afford another energy crisis. I support a project that will bring more clean-burning energy to our state with minimal impacts.

G209-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website
Date: 12/19/2004
First Name: Mike
Last Name: Schroedle
Address: 1421 Drochester Dr.
City: Roseville
State: CA
Zip Code: 95678
Topic: Agriculture and Soils
Comments: Because Cabrillo Port will be located so far offshore, there will be little to no impacts on agriculture. However if costs of natrua! gas increase it will put a terrible strain on agricultural communtiy. Natural gas is a key component in agricultural production. Cabrillo Port can only benefit the agricultural communtiy in Ventura County and surrounding areas.

G202-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website
Date: 12/17/2004
First Name: John
Last Name: Schuler
Address: 20 Walnut Park Dr.
City: Chico
State: CA
Zip Code: 95928
Topic: Public Safety: Hazards and Risk Analysis

Comments: I have heard that some people are concerned about the possibility of a terrorist attack on the Cabrillo Port project. In this day and age, they may have reason to be concerned about that if the LNG facility was located on-shore, but the Cabrillo Port facility is off shore. It's location out at sea will negate the impact of any terror attack on it. For that reason, it will become unattractive to terrorists who want to inflict as much harm as possible. I think whatever protections the Department of Homeland Security puts in place will be more than adequate to protect the facility.

G157-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website
Date: 12/17/2004
First Name: Lisa
Last Name: Schuler
Address: 20 Walnut Park Dr.
City: Chico
State: CA
Zip Code: 95928
Topic: Other/General Comment
Comments: I am in favor of the Cabrillo Port Project. We need ways to provide us with lower cost, clean energy sources.

The Cabrillo Port LNG facility will provide just that as well as boost the California economy. Additionally, this project, unlike some others, will have a minimal impact on the environment due to it's offshore location. This location also makes it a much safer alternative, god forbid anything should ever happen to the facility.

As a lifelong resident of California, I do not want to allow a good project to be pigeonholed for no good reason. That is why I am voicing my opinion in favor of this project.

G223-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Name (Please Print): CLINTON SEAL Source: Public Meeting - Oxnard PM
 Organization/Agency: PRIVATE CITIZEN Date: 11/30/2004
 Street Address: 4452 VIA MARQUESA
 City: CABRILLO State: CA Zip Code: 93012
 Email address: CLINTON.SEAL@NAVY.MIL

Please provide written comments in the space below and drop this form into the comment box.

You may also submit comments

- Electronically through the Project Web site at <http://www.cabrilloport.ene.com>
- Electronically through the Docket Management System Web site (docket number 16877) at <http://dms.dot.gov>.
- Or by mail or email to following addresses:

Docket Management Facility
 Room PL-401
 400 Seventh Street SW
 Washington, DC 20590-0001

California State Lands Commission
 100 Howe Avenue, Suite 100-South
 Sacramento, CA 95825
ogginsc@slc.ca.gov
 Attention: Cy Oggins

All comments must be received by 2 p.m. PST, December 20, 2004

Comments (Use other side or attach additional sheets if necessary): G070-1

EIS 4.2-3: PLEASE ADD THE ODORANT
AS SOON AS THE GAS IS BROUGHT ASHORE.

G070-2

EIS 4.2-74: PLEASE ASSURE ONLY NEWLY
CONSTRUCTED LNG CARRIERS ARE BROUGHT
TO CABRILLO PORT

EIS 4.2-86: AGAIN- PLEASE ADD ODORANT AS
SOON AS THE GAS COMES ASHORE

No action will be taken until the environmental review process is completed.

G070-1

The Project has been modified since issuance of the October 2004 Draft EIS/EIR, and the main odorant station has been relocated to the FSRU with a smaller backup odorant facility onshore. Sections 2.4.1.3, 4.2.7, 4.7.4, 4.12, 4.18.4, 6.2.2, and 6.2.3 contain updated text on this topic.

G070-2

LNG carriers using Cabrillo Port will meet all the applicable national and international standards required of LNG carriers calling on U.S. ports. Sections 4.2.4, 4.2.7.3, and 4.2.8.2 identify agencies with the authority and responsibility for safety standards, design reviews, and compliance inspections. Section 2.1 and Appendix C3-2 identify applicable safety standards.

Comment Form—Cabrillo Port LNG Deepwater Port draft EIS/EIR

Name (Please Print): ALAN G. SEIDNER
 Organization/Agency: _____
 Street Address: 3308 OCEAN DRIVE
 City: OXNARD State: CA Zip Code: 93035
 Email address: _____

Please provide written comments in the space below and drop this form into the comment box.

You may also submit comments

- Electronically through the Project Web site at <http://www.cabrilloport.org>
- Electronically through the Docket Management System Web site (docket number 16877) at <http://dms.dot.gov>
- Or by mail or email to following addresses:

Docket Management Facility
 Room PL-401
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 Washington, DC 20590-0001

California State Lands Commission
 100 Howe Avenue, Suite 100-South
 Sacramento, CA 95825
ogginsc@slc.ca.gov
 Attention: Cy Oggins

All comments must be received by 2 p.m. PST, December 20, 2004

Comments (Use other side or attach additional sheets if necessary): THIS PROJECT
OFFER NO BENEFITS TO OUR AREA IT SIMPLY
IS AN EASY AND CHEAP SOLUTION TO THE
BUSINESS INTERESTS THAT SPONSOR IT. THE
RISKS OF SUCH A PROJECT IN A POPULATED
AREA ARE TREMENDOUS. ANOTHER, PERHAPS
BETTER PROFITABLE SOLUTION, MUST BE RESEARCHED

No action will be taken until the environmental review process is completed.

Source:
USCG Docket

Date:

12/20/04

G475-1

G475-2

G475-1

Section 4.2.7.6 and the Independent Risk Assessment (Appendix C1) contain information on public safety impacts from various incidents at the FSRU. The analysis indicates that the maximum impact distance of an accident would involve a vapor cloud dispersion extending 6.3 nautical miles (7.3 miles) from the FSRU. The FSRU would be located approximately 12.01 nautical miles (13.83 miles) offshore; therefore, consequences of an accident involving LNG transport by carrier and storage on the FSRU would extend no closer than 5.7 nautical miles (6.5 miles) from the shoreline. Figure ES-1 depicts the consequence distances surrounding the FSRU location for worst credible events.

G475-2

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

306259

2004/G514

November 19, 2004

DOCKET # USCG-2004-16877 - 593

To Whom It May Concern:

My name is Lionel Senes. I hold an Unlimited Tonnage Master license issued by the U.S. Coast Guard. I have 23 years experience aboard U.S.-flag merchant ships, including 22 years experience aboard LNG tankers. I am proud to have served as Master of the U.S.-flag tanker LNG ARIES between 1998 and 2001.

Having served aboard LNG vessels for more than 20 years, I have certain knowledge that the transport of LNG by sea can be accomplished safely and with no harm to the environment. The American shipping company that operated the LNG ARIES and seven other LNG tankers successfully carried LNG from Indonesia to Japan, from Brunei to Korea, and on other ocean routes, between 1978 and 2001. In those 23 years, the hundreds of U.S.-citizen merchant mariners at work on those vessels posted an outstanding safety record.

But it is important to recognize that our safety record was accomplished through extraordinary efforts on the part of the sea-going mariners, the operators of the terminals themselves, and by the shore-side staff of the several organizations directly responsible for shipping the LNG. The safety procedures and safeguards employed were far in excess of what is typically seen aboard the oil tankers and containerships that operate off the coast of California every day.

It was the highly professional and extraordinary attention to safety and security that allowed the American merchant mariners to accumulate such an excellent safety record on our LNG ships. And, in my opinion, the same kind of attention should be a prerequisite to any U.S. government approval of a new LNG terminal operation off the coast of California.

The best way to insure the highest levels of safety and security for the vessels at Cabrillo Port is an agreement among all parties – BHP Billiton, the U.S. Coast Guard, the U.S. Maritime Administration, the State of California, and the landside purchasers of the LNG – that all the vessels to be used are U.S.-flag ships manned with LNG-experienced personnel. As U.S.-flag vessels, these ships will be manned by Coast Guard-certified American citizen mariners as a matter of law, and will be directly answerable to federal agencies such as the Department of Homeland Security and the U.S. Department of Transportation. State and local safety agencies will be assured that their concerns are honored and that well-established systems of law and governmental procedure are in place for their protection.

G514-1

Thank you for the information.

G514-2

Sections 4.2.7.3 and 4.3.1.5 contain information on the use of American crews and U.S.-flagged vessels.

G514-1

G514-2

DOCKET # USCG-2004-16877

I know from personal experience that LNG can be shipped safely, and I know the reasons why. That is why I have no problem with a new LNG terminal being built in California – as long as the officers and crew of the LNG ships are experienced American mariners, well trained for their jobs and backed by legal protections against the inevitable pressure to save time and money.

G514-3

Respectfully submitted,



Captain Lionel H. Senes
244 Ruth Ann Way
Arroyo Grande, Ca 93420

(805) 489-6254

G514-3

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Tim Riley, a trial-lawyer from Oxnard Shores, has made it his personal vendetta to restrain California from achieving a solution to our energy problem. His website and editorials in various community papers depict LNG as an atomic weapon and likening Ventura County to Hiroshima. Tim Riley's total opposition to LNG is just preposterous. I agree- these projects may have implications for our community and environment, but so do rising energy costs and a continued dependence on foreign markets.

I have to admit that tankers filled with gas were an alarming thought when I first heard about it, but after a little research, I found that the transportation of LNG is actually very safe. Established LNG terminals have stellar track records, which are mostly due to the strict regulations imposed on them and the innovative buildings, technology, and people they employ. With the exception of the Clearwater project, all proposed terminals up and down the coast will be brand new, state-of-the-art facilities, operating under the above-mentioned strict regulations and will focus solely on the transportation of LNG.

Mr. Riley's age-old scare tactics, such as referencing an LNG mishap that "incinerated" Cleveland in 1944 or comparing LNG to a nuclear bomb, only instills fear in the minds of those unwilling to educate themselves about the benefits of LNG. Another common scare tactic of his refers to scientific 'studies' dating back to 1977! It is absolutely shameful that Tim Riley a member of the Million Dollar Advocates Forum is unable to get current facts to support his case. In fact, everything about the 1977 EIR/EIS that Mr. Riley repesiated refers to on his web site and in his articles has been debunked by modern science!

I would encourage Mr. Riley to visit <http://www.lngfacts.org> where I found the following information: "According to the U.S. Department of Energy, over the life of the industry, eight marine incidents worldwide have resulted involving accidental spillage of LNG. In these cases only minor hull damage occurred, and there were no cargo fires. Seven additional marine-related incidents have occurred with no significant cargo loss. No explosions or fatalities have ever occurred."

I would also encourage LNG decision makers to read Mr. William Saracino's exceptional expose on Mr. Riley which I have attached as well.

In closing I must say that to deny California the opportunity to advance higher in the energy food chain and provide citizens with low-cost, environmentally safe energy is just out-right ridiculous. While I appreciate Mr. Riley's enthusiasm, I cannot empathize with his fervor. I, for one, am pro-LNG.

G446-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website
Date: 12/20/2004
First Name: Bill
Last Name: Shaffer
Topic: Aesthetics, Land Use
Comments: I am please to see that this port will be located 14 miles offshore. While I support the production of natural gas, I don't really want to see where it is happening, or the environmental damage it might cause. It seems to me that being located so far offshore, the environmental damage will be lessened almost to the point of nothing. So, I don't have to give-up my open space, look at an obtrusive structure, or feel guilty for supporting a project that's bad for the environment but good for my pocketbook. It's a pretty easy easy project to support!

G261-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website
Date: 12/19/2004
First Name: Penny
Last Name: Shaffer
Address: 625 E. Payson St.
City: San Dimas
State: CA
Zip Code: 91773
Topic: Alternatives, Other/General Comment

Comments: California needs to begin a firmer shift to renewable energy, I think we all agree. However, it is not going to happen overnight. At the same time, we have larger energy demands. Our economy cannot afford another energy crisis. We have to look at our best, most reliable options for new energy production. As renewable energy technologies are developed and perfected, we will continue to use more energy. Cabrillo Port is a reliable, safe, cost-effective, clean burning source of energy. It is the best we have for now, and it even in comparission to renewable energy, it still stands out as something that needs to happen.

G252-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

311052



December 20, 2004

Lieutenant Ken Kusano (G-MSO-5)
U.S. Coast Guard
2100 Second Street, SE.
Washington, DC 20593-0001

Cy Oggins
California State Lands Commission
100 Howe Ave.
Suite 100-South
Sacramento, CA 95825-8202

**RE: DEIS/EIR BHP Billiton Cabrillo Port Liquified Natural Gas Deepwater Port
Docket Number, USCG-2004-16877**

Dear Sirs:

Heal the Bay (HtB) is a nonprofit environmental organization with over 10,000 members dedicated to making the waters of Southern California clean and healthy for marine life and people. Heal the Bay has actively worked to improve water quality and protect natural resources in Santa Monica Bay and adjacent waters for 20 years. The Santa Monica Baykeeper (SMBK) is a non-profit organization dedicated to the preservation and restoration of Santa Monica Bay, San Pedro Bay, and adjacent coastal waters. The Baykeeper has approximately 2,000 members, most of whom reside in Los Angeles County. The Baykeeper's mission includes the monitoring and protection of the region's waters, including local watersheds, marine sanctuaries, rivers, coastal estuaries, wetlands and bays from illegal dumping, hazardous spills, toxic sources and other pollution, including polluted runoff. Heal the Bay and the Santa Monica Baykeeper (HtB/SMBK) have reviewed the Draft Environmental Impact Statement/Report (DEIS/R) and find it incomplete and inadequate in several key areas relating to Biotic Resources.

HtB/SMBK are extremely concerned the proposed project may have significant impacts to marine and terrestrial biotic communities that were not disclosed in the DEIS/R. Most notably the DEIS/R lacks specificity to enable the quantification of potential impacts to marine and terrestrial biotic communities and thus precludes the determination of appropriate measures to avoid and/or mitigate for project related impacts.

The DEIS/R does not adequately describe the existing environmental setting or establish an environmental baseline. As discussed below in greater detail, sensitive species surveys and



USCG-2004-16877-892

G525-1

G525-2

G525-3

2004/G525

G525-1

Thank you for the information.

G525-2

NEPA and the CEQA do not dictate an amount of information to be provided but rather prescribe a level of treatment, which may in turn require varying amounts of information to enable reviewers and decision-makers to evaluate and compare alternatives.

Section 4.7.4 contains revised text on potential impacts on marine biological resources and mitigation measures to address such impacts.

Subsequent to the completion of the October 2004 Draft EIS/EIR, the Applicant completed surveys of the pipeline rights-of-way in accordance with California Department of Fish and Game protocol. Surveys included a wetland delineation survey that meets the California Coastal Commission and California Department of Fish and Game wetland definition, botanical and wildlife surveys for Federal and State listed species, a wintering waterfowl survey, a burrowing owl survey, and surveys to determine whether any oak trees would need to be removed during construction. Section 4.8 has been updated with the results of these surveys, and Section 4.8.4 contains updated mitigation measures. Additional preconstruction plant and wildlife surveys, specific to the final construction timeline and designated pipeline alignment, would be completed for special status species, federally listed species, and California protected species specified by the USFWS or the CDFG, to minimize the potential for causing mortality of local wildlife. However, for purposes of the impact analyses and resultant mitigation, all relevant species are presumed to exist in the vicinity of the proposed Project.

NEPA and the CEQA require that an EIS/EIR contain a detailed discussion of possible mitigation measures; however, NEPA does not require that a complete mitigation plan be done at the time of the EIS. In *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 109 S.Ct 1835 (1989), the court determined that "[t]here is a fundamental distinction, however, between a requirement that mitigation be discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated, on the one hand, and a substantive requirement that a complete mitigation plan be actually formulated and adopted, on the other."

Under the CEQA, mitigation measures "may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way."

(State CEQA Guidelines section 15126.4(b)).

G525-3

See response to Comment G525-2 regarding surveys.

The impact analysis of the pipeline corridor was sufficiently broad to consider placement of the pipeline on either side of each road transited; thereby, all potential impacts have been considered.



mapping were not undertaken and have been deferred to a later time. Thus, the DEIS/R fails to include essential information for evaluating the proposed action's environmental effects to solicit meaningful public comment and informed decision making. HtB/SMBK are deeply troubled that the project Applicant and Lead Agencies have submitted a DEIS/R prior to the selection of a final pipeline route (p. 4.8-11). Without a final pipeline route, it is impossible to adequately characterize existing environmental conditions and/or disclose impacts as required by CEQA.

Our specific comments are summarized below:

Marine Biological Resources

1. The DEIS/EIR does not provide a site specific characterization of benthic infauna or epifauna and marine fish, birds and mammals that would be impacted by project.

The DEIS/R relies on larger scale bight-wide studies to generally characterize populations that are likely to be found in the project area and then routinely dismisses all impacts as insignificant. Without a detailed site-specific assessment of existing marine populations, it is impossible to establish baseline conditions, let alone assess potential project impacts to these populations. The DEIS/R fails to provide a comprehensive monitoring plan to evaluate impacts to marine populations and to monitor recovery of these populations following construction related impacts. The DEIS/R acknowledges that there will be short-term impacts to soft bottom marine benthic communities from the installation of the marine portion of the pipeline, but then dismisses the impacts insignificant due to an expected 12 months recovery cited to a previous study performed in the North and Irish Seas (Lindebroom and de Groot 1998). There is no explanation why the North Sea study is appropriate for this ecosystem and why similar recovery rates could be expected given the different oceanographic and climatic conditions found in the proposed project site. How can this recovery be documented without a single site-specific sample taken in the proposed project site before, during, or after the installation of the pipeline?

The DEIS/R states that large numbers of marine birds and fish are not present in the project area, yet provides no evidence to support this observation. Schooling fish and sea birds, including the California Brown Pelican, a State and Federally listed endangered species, are routinely observed throughout the Santa Barbara Channel and there is no reason to suspect that the proposed project site would be excluded from such biotic activity. Without a detailed characterization of the marine and avian species that currently are found in the project site, it is impossible to ascertain potential impacts of the proposed project.

Finally, DEIS/R does not adequately describe how impacts to marine mammals will be avoided and/or minimized, especially to California gray whales that are likely to be routinely encountered at the project site. No information is provided to assess the likelihood that the annual migration of gray whales will be disrupted by the construction

G525-3
cont'd

G525-4

G525-5

G525-6

G525-7

G525-8

G525-9

G525-4

See the response to Comment G525-2

G525-5

This topic is addressed in Sections 4.7.1. Mitigation measures that were determined to be appropriate to address such impacts are presented in Section 4.7.4. See also the response to Comment G525-2.

The lead Federal and State agencies share the responsibility to ensure that mitigation measures are implemented. Table 6.1-1 in Chapter 6 is the basis for the Mitigation Monitoring Program, which would be implemented, consistent with section 15097(a) of the State CEQA Guidelines, to ensure that each mitigation measure is incorporated into Project design, construction, operation, and maintenance activities.

G525-6

A number of previous studies are cited in Section 4.7. A full list of references is provided in Section 4.7.6.

G525-7

See Appendix H1 and Section 4.7 for a discussion of this topic. See also the response to Comment G525-2.

G525-8

Appendix H1 and Section 4.7.1 address this topic.

G525-9

Impact BioMar-9 in Section 4.7.4 addresses this topic.



and/or operation of the proposed facility. While common gray whale migration routes are described in the DEIS/R, no site specific assessments have been performed to determine if the proposed location of the FSRU will significantly disrupt gray whale migration. The DEIS/R does acknowledge that gray whales may be encountered at the project site (p. 4.7-14) but does not provide an accurate impact assessment or propose sufficient mitigation or management plans to alleviate impacts if whales are present in large numbers during the migratory season. What, if any, additional management activities will be implemented to reduce the likelihood of a collision between tankers and gray whales during times when gray whales are abundant in the project area?

2. Impacts due to impingement and entrainment of marine organisms must be quantitatively evaluated.

The DEIS/R demonstrably fails to evaluate the impacts of the proposed project due to impingement and entrainment. Recent evidence indicates that impingement and entrainment losses from coastal power generation facilities can significantly impacts on marine fish and invertebrate populations^{1,2}. In addition, recent scientific evidence indicates that zooplankton have decreased by upwards of 80% in the waters off southern California in the past several decades³. The proposed project is anticipated to utilize upwards of 14.5 million gallons per day (MGD) for ballast exchange for the FSRU and supply tankers. The DEIS/R states that "...any entrained or impinged organisms would suffer 100% mortality." (p. 4.7-38) The DEIS/R then proceeds to dismiss potential impacts to ichthyoplankton (fish larvae) as insignificant based on the volume of water exchanged and location of ballast water pumps. No evidence is provided, however, to support this conclusion and no discussion of impacts to species other than ichthyoplankton (i.e., invertebrates) are provided. There is absolutely no description of the design, location or intake velocity associated with the ballast water pumps except the mention of two screens that are purported to minimize entrainment to support the conclusion of no impact. This information must be provided along with quantitative justification why these measures will reduce entrainment and impingement.

The DEIS/R fails to disclose additional sources of impingement and entrainment due to other operations of the proposed project. How much of the 264,000 gallons per hour (p. 2-49) of seawater required for non-contact heat transfer will be recirculated and how much will need to be withdrawn from the surrounding marine environment to facilitate adequate heat transfer? Assuming a 100% replacement of seawater required for cooling of the generators, than an additional 6.34 MGD of seawater would be subject to impingement

¹ Super, R. W., and Gordon, D. K. (2002). Minimizing adverse environmental impact: How murky the waters. Defining and Assessing Adverse Environmental Impact Symposium 2001. *The Scientific World Journal* 2(S1):219-237.

² Tenera Environmental Services (2001). Morro Bay Power Plant Modernization Project. 316(b) Resource Assessment. Prepared for Duke Energy Morro Bay, LLC.

³ Roemmich, D. and McGowan, J. (1995). Climatic warming and the decline of zooplankton in the California Current. *Science*. 265:1324-1326.

G525-9
cont'd

G525-10

G525-11

G525-10

The Project has been modified since issuance of the October 2004 Draft EIS/EIR. See Section 1.4.2 for a summary of Project changes. The previously proposed FSRU generator engine cooling system used seawater as the source of cooling water for the four generator engines. The Applicant now proposes using a closed tempered loop cooling system that circulates water from two of the eight submerged combustion vaporizers (SCVs) through the engine room and back to the SCVs, which reduces the seawater intake volume by about 60 percent. The seawater cooling system would remain in place to serve as a backup system during maintenance of the SCVs or when the inert gas generator is operating. Section 2.2.2.4 contains a description of the proposed uptakes and water uses for the FSRU.

Section 4.7.4 contains information on uptake volumes and potential impacts of seawater uptake and discharge on marine biota, including ichthyoplankton from intake of seawater, from thermal discharges of cooling water. The revised ichthyoplankton impact analysis (Appendix H1) includes both literature results and data from California Cooperative Oceanic Fisheries Investigations (CalCOFI) surveys. CalCOFI surveys have been consistently collected over a period of time and are the best scientific data currently available.

This analysis includes a description of the intake ports and volumes of seawater involved.

G525-11

Impact BioMar-3 in Section 4.7.4 addresses this topic.



and entrainment impacts. If this is indeed the case, than this information must be clearly disclosed in the Biotic Resources section as a potential impact and not buried in the "Description of the Proposed Action" in text that does not clearly describe the proposed action.

It is our understanding that the proposed project would result in over 20 MGD of seawater withdrawn from the surrounding marine environment with an associated impingement/entrainment mortality rate of 100%. This volume does not account for additional sources of water that would be needed for onboard desalination operations or maintenance activities. The DEIS/R must thoroughly and accurately disclose the TOTAL volume of seawater that will be utilized by the proposed project in a transparent manner to enable the determination of potential impacts of impingement and entrainment. In addition, a detailed site-specified impingement/entrainment study must be performed prior to the certification of the DEIS/R to ensure all impacts have been quantitatively defined and appropriate mitigation provided.

3. Burial of sessile marine biota is limited to direct pipeline impacts

Impacts to sessile marine biota do not take into account sedimentation resulting from the installation of the pipeline along the seafloor. The DEIS/R erroneously limits the area of impact to the pipeline footprint and dismisses any impact as local and temporary. There is no discussion on the effect of sediment suspension from construction activities and the fate and transport of suspended sediments. Without such an analysis, the evaluation of potential impacts is inadequate.

4. The biomass estimates of sandy beaches cites a reference that is not listed.

It is impossible to determine if the estimate of biomass is site specific or a more general observation. The listed citation, Dugan 2000, does not appear in the References section so reviewers are unable to evaluate the veracity of the statement.

5. Details of mitigation plans are not provided.

Throughout the entire DEIS/R, various mitigation and avoidance plans are not sufficiently defined to enable the critical evaluation of their effectiveness to avoid, minimize, and/or mitigate for impacts. For example, it is impossible for a reviewer to ascertain if the lighting plan is sufficient to meet the goals listed in the DEIS/R (p. 4.7-60) because a lighting plan is not provided. Rather, the project applicant has attempted to defer the development of this critical component of the project to be completed and submitted "...60 days prior to construction." It is imperative that all management and mitigation plans be identified and presented during the environmental review of the project to ensure that all impacts have been accurately disclosed and all avoidance and mitigation plans are in place.

G525-11
cont'd

G525-12

G525-13

G525-14

G525-12

Impact BioMar-1 in Section 4.7.4 and Impact WAT-2 in Section 4.18.4 address this topic.

G525-13

The reference (Dugan et al. 2000) has been added to Section 4.7.6.

G525-14

NEPA and the CEQA require that an EIS/EIR contain a detailed discussion of possible mitigation measures; however, NEPA does not require that a complete mitigation plan be done at the time of the EIS. In *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 109 S.Ct 1835 (1989), the court determined that "[t]here is a fundamental distinction, however, between a requirement that mitigation be discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated, on the one hand, and a substantive requirement that a complete mitigation plan be actually formulated and adopted, on the other."

Under the CEQA, mitigation measures "may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way." (State CEQA Guidelines section 15126.4(b)).

Impact BioMar-3 in Section 4.7.4 discusses lighting during offshore construction and operation. See also the response to Comment G525-2.



6. Impacts to boaters and fisherman are not adequately defined and no mitigation is proposed.

The DEIS/R fails to adequately describe the area of ocean that will become "off-limits" to the public for recreational boating and fishing. The DEIS/R states that a 500 meter safety zone would be enforced around the FSRU, but fails to elaborate on the exact nature of the safety zone and if this zone is increased when new shipments of LNG arrive to be offloaded on the site. Assuming that the safety zone extends from the edge of the FSRU, than an area of ocean no smaller than 1.4 km² would be closed to public access for the lifespan of the project. The DEIS/R must also disclose how this safety zone may change during the delivery of new LNG shipments and during offload procedures. Finally, an assessment must be made of commercial and recreational boating use of the area and how impacts to these activities will be mitigated.

Terrestrial Biological Resources

7. Impacts to wetlands are not adequately defined.

The DEIS/R does not adequately evaluate the proposed projects impacts on coastal wetlands. The DEIS/R defers all wetland impacts to the CWA, Section 404, permitting process (p. 4.8-11). It is wholly inappropriate for the proposed project to be at this stage of environmental review when the final pipeline route has yet to be selected and impacts to jurisdictional wetlands are not explicitly defined. In addition, the DEIS/R fails to recognize the proposed project's effects on wetlands as defined by the State of California by the California Coastal Commission (CCC) and the California Department of Fish and Game (DFG) as well as federal jurisdiction provided by the US Fish and Wildlife Service (FWS). Only US Army Corps of Engineers (ACOE) wetlands are considered.

Wetlands are characterized by state and federal regulatory agencies based on three criteria: 1) wetland associated vegetation, 2) wetland hydrology, and 3) hydric soils. The ACOE requires all three of the above stated conditions to be present for a wetland delineation. The CCC, however, only requires that one of the three above stated conditions be present^{4,5}. Therefore it is extremely likely that far more of the 26 wetland/surface water features identified (p. 4.8-11, 32) will be considered jurisdictional wetlands than the 7 currently identified by the ACOE.

If wetland impacts are to occur, then appropriate mitigation must be proposed now, not later. The DEIS/R states that wetland impacts would require a 3:1 replacement ratio (4.8-53, 19-20). There is no justification, however, as to why this replacement ratio was selected or what types of mitigation activities will be considered. Wetland impacts in the coastal zone typically require a mitigation ratio of 4:1 and it can be expected that any

⁴ California Coastal Act § 30121

⁵ California Coastal Commission Administrative Regulations § 13577(b)

G525-15

G525-16

G525-17

G525-18

G525-15

Sections 2.2.4, 4.3.1.4, and 4.3.4 address the size of the safety zone, how it would be established, and the potential impacts on marine traffic. The FSRU would be able to rotate 360° around the mooring turret. The safety zone would extend 500 m from the circle formed by the FSRU's stern, the outer edge of the facility, rotating around the mooring turret. See Figure 4.3-4 for an illustration of the potential safety zone and area to be avoided. The safety zone could not be made any larger because its size is governed by international law.

G525-16

Impacts MT-1, MT-2, MT-3, and MT-7 in Section 4.3.4 and Impact SOCIO-1 in Section 4.16.4 discuss impacts on commercial and recreational boating.

G525-17

Subsequent to the completion of the October 2004 Draft EIS/EIR, the Applicant completed wetland delineations (using Army Corps of Engineers definitions and California Coastal Commission and California Department of Fish and Game wetland definitions where appropriate) for the proposed pipeline routes. Section 4.8.1 presents a discussion of baseline wetland conditions from these wetland delineations.

Section 4.8.4 addresses potential impacts on wetlands. Mitigation measures presented in Section 4.8.4 have been developed to avoid, minimize, or reduce impacts on wetlands and waters of the U.S. during construction activities. Tables 4.18-5 and 4.18-6 also provide descriptions of the waterbodies, most of which are concrete flood control channels or agricultural drains, along the proposed pipelines and alternatives. Project construction along the proposed Center Road and Line 225 Loop pipeline loop routes would result in minor and short-term impacts on areas identified as wetlands and waters of the U.S. No permanent impacts would be expected because no structures would be placed within wetland features, and the effects of trenching would be temporary with the mitigation identified.

The USACE cannot issue permits until after the EIS/EIR process has been completed. The wetland mitigation plan would be developed as part of the USACE permitting process. The wetland mitigation plan would describe the Project's temporary impacts and how construction would restore the features to their preconstruction conditions or better. The wetlands mitigation plan would be submitted after the Project is approved and the final routes are determined.

G525-18

Impacts TerrBio-1, TerrBio-2, and TerrBio-3 in Section 4.7.4 contain additional information on potential impacts to wetlands. As discussed in MM TerrBio-2f replacement ratios would be established by permit. See response to Comment G525-17.



impacts of the proposed project to coastal wetlands would fall into this category. As currently written, the DEIS/R does not provide the public with enough information to determine if wetland impacts are likely to occur or not.

**G525-18
cont'd**

8. Biological impact analyses are inadequate because existing conditions are not known and the final proposed action is unknown.

Many biological impact analyses, which should be integral components of the DEIS/R, are deferred because baseline conditions have not been recorded, required surveys have not been performed, and the description of the proposed action is vague. For instance, the DEIS/R does not include specific or meaningful analyses of impacts to trees (p. 4.8-42) or riparian habitat (p. 4.8-43) because not enough is known about the proposed action or the baseline environment to determine even roughly how many trees, including native specimen oak trees, and acres of riparian habitat would be affected. The DEIS/R further acknowledges (p. 4.8-36) that because a comprehensive botanical survey has not been conducted, "it is not known whether rare or special status plants along the proposed pipeline route are present." This survey information must be provided in the DEIS/R to enable a meaningful quantification and consideration of the proposed action's impacts, to allow design of appropriate mitigation measures and to allow comparison of alternatives.

G525-19

The DEIS/R fails to clearly state what methods will be used for creek crossings along the pipeline route. Throughout the impact analysis, the DEIS/R refers to a variety of techniques that may be employed to achieve these crossings. A site-specific assessment of existing conditions at each crossing location must be completed prior to the selection of a crossing technique. Impacts of the selected technique on the existing biotic resources in the impacted area must then be fully explained in the DEIS/R to facilitate disclosure of potential impacts of the proposed project.

G525-20

Finally, the DEIS/R blatantly fails to evaluate potential impacts to special status species. Specifically, the apparent proposed shore crossing of the pipeline will be located in the vicinity of the Ormond Beach coastal wetland ecosystem complex. This area is known to host breeding colonies of the State and Federally listed endangered California least tern and the western snowy plover, a Federally threatened and California species of concern. In addition, the project is likely to impact the salt marsh bird's beak, a State and Federally listed endangered plant species that is known to occur in the project area. The DEIS/R must disclose if these, and other special status species, are indeed present along the proposed shore crossing and pipeline route and must present adequate management/avoidance plans to ensure these species are not impacted by the proposed project. Without a detailed site-specific assessment, however, it is impossible to do so.

G525-21

Conclusion

The DEIS/R does not adequately address many critical issues related to potential impacts to biotic resources. Based on our evaluation of this DEIS/R, Heal the Bay and the Santa Monica

G525-22

G525-19

Subsequent to the completion of the October 2004 Draft EIS/EIR, the Applicant completed surveys of the pipeline rights-of-way in accordance with California Department of Fish and Game protocol. Surveys included a wetland delineation survey that meets the California Coastal Commission and California Department of Fish and Game wetland definition, botanical and wildlife surveys for Federal and State listed species, a wintering waterfowl survey, a burrowing owl survey, and surveys to determine whether any oak trees would need to be removed during construction. Section 4.8 has been updated with the results of these surveys, and Section 4.8.4 contains updated mitigation measures. Additional preconstruction plant and wildlife surveys, specific to the final construction timeline and designated pipeline alignment, would be completed for special status species, federally listed species, or California protected species specified by the USFWS or the CDFG, to minimize the potential for causing mortality of local wildlife. However, for purposes of the impact analyses and resultant mitigation, all relevant species are presumed to exist in the vicinity of the proposed Project.

G525-20

Tables 4.18-5 and 4.18-6 in Section 4.18 (Water Quality) describe crossing methods for each waterbody on the proposed Center Road Pipeline and the Line 225 Pipeline Loop.

Impact TerrBio-3 contains information on the potential impacts of stream crossings.

G525-21

See the response to Comment G525-19.

As described in Section 2.3.2, the shore crossing would be installed beneath Ormond Beach. Sections 4.8.1 and 4.14.1.2 discuss Ormond Beach wetlands. Section 4.8.4 discusses mitigation measures to minimize impacts on wetlands. The presence of the pipelines under Ormond Beach would not restrict access to the area for recreation or otherwise alter recreation opportunities at Ormond Beach. During construction, the horizontal directional boring activities would be contained within the Reliant Energy property, and the pipeline would be buried underneath the beach. This topic is discussed further in Sections 4.15.4 and 4.2.8.4. Updated information about the restoration efforts at Ormond Beach is included in Section 4.13.2. Figure 4.13-1 has been revised.

Impact TerrBio-2 contains information on potential impacts to special status plant species. Section 4.7.4 contains information on

potential impacts to special status marine biota.

G525-22

See the responses to Comments G525-2, G525-10, G525-17, G525-19, G525-20, and G525-21.



Baykeeper recommend that subsequent studies be performed and/or additional data analyzed to answer many of the questions raised by our review. In addition, we seek additional clarification with regard to what specific wetland areas will be impacted and the total volume of seawater that will be utilized for construction, operation, and maintenance of the proposed project.

G525-22
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The DEIS/R must not be approved until sufficient details of the environmentally preferred alternative are available, all impacts accurately assessed, and mitigation and management plans proposed to facilitate meaningful public review.

G525-23

Given the proximity of the proposed project to the Channel Islands National Park and National Marine Sanctuary, the size of the proposed project, and the fact that the proposed project will impact a variety of marine and terrestrial species and sensitive habitats, we feel that the DEIS/R must thoroughly evaluate all potential impacts caused by the proposed project. As currently written, the DEIS/R does not achieve this goal.

G525-24

Please feel free to contact us if you have any questions about our comments.

Sincerely,

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G525-23

See Section 6.2 for discussion of Environmentally Superior Alternative and see also the response to Comment G525-2.

G525-24

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.